

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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AUREA GONZALEZ,

Plaintiff,

-against-

**NOTICE OF MOTION FOR
SUMMARY JUDGMENT**

NEW YORK CITY DEPARTMENT OF EDUCATION,
ROBERT RIVERA, *Individually* and ZELDA BRYANT
ASHBY, *Individually*,

15-CV-03158 (WFK) (CLP)

Defendants.
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PLEASE TAKE NOTICE that upon the annexed Rule 56.1 Statement of Material Undisputed Facts, the Declaration of Assistant Corporation Counsel Eric Murrell and the exhibits annexed thereto executed on October 14, 2016, the Memorandum of Law in Support of the Defendants' motion for summary judgment dated October 14, 2016, and upon all the papers and proceedings previously had herein, Defendants will move this Court at the United States Courthouse for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York 11201, before the Honorable William F. Kuntz, II, United States District Judge, on a date and at a time to be designated by the Court, pursuant to Rule 56 of the Federal Rules of Civil Procedure for an order of summary judgment, dismissing the Complaint against the Defendants on the grounds that: (1) plaintiff cannot establish a case of discrimination or retaliation under Title VII or the CHRL; and (2) the Defendants have articulated legitimate, non-discriminatory and non-retaliatory reasons for plaintiff's termination that cannot be shown to be pretextual as a matter of law.

PLEASE TAKE FURTHER NOTICE that pursuant to this Court's September 15, 2016 order, opposition papers shall be served on or before November 11, 2016, and reply affidavits and memoranda of law, if any, shall be served on or before December 2, 2016.

Dated: New York, New York
October 14, 2016

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By: /s/ Eric Murrell
Eric Murrell
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Docket No. 15-CV-3158 (WFK) (CLP)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

AUREA GONZALEZ,

Plaintiff,

-against-

NEW YORK CITY DEPARTMENT OF EDUCATION,
ROBERT RIVERA, *Individually* and ZELDA BRYANT
ASHBY, *Individually*,

Defendants.

**NOTICE OF MOTION FOR SUMMARY
JUDGMENT, RULE 56.1 STATEMENT AND
DECLARATION IN SUPPORT WITH ANNEXED
EXHIBITS**

ZACHARY W. CARTER

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New York, New York 10007-2601

Of Counsel: Eric Murrell

Tel: (212) 356-4083

Matter No.: 2015-029412

Due and timely service is hereby admitted.

New York, N.Y., 2016

.....Esq.

Attorney for